

IN RE: PETITION FOR VARIANCE
88/Corner Codd Avenue and
Lynch Road
(2001 Codd Avenue)
12th Election District
7th Councilmanic District
Joseph M. Neukam, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-133-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Joseph M. and Audrey E. Neukam. The Petition as filed seeks relief from Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence and hedgerow height of 6 feet in lieu of the maximum permitted 3 feet and within 15 feet of the intersection of a street and alley, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Joseph and Audrey Neukam, property owners. Appearing as a Protestant in the matter was Louis P. Romeo, Jr., President of the West Inverness Community Association.

Testimony indicated that the subject property, known as 2001 Codd Avenue, consists of 0.10 acres, more or less, zoned D.R. 10.5, and is improved with a single family end-of-group dwelling. Said property is located within the Chesapeake Bay Critical Areas near Bear Creek in the West Inverness community in southeastern Baltimore County. The instant Petition was filed as a result of a complaint registered with the Zoning Administration and Development Management (ZADM) office as to an existing 7-foot hedgerow and 6-foot high stockade fence on the property. Testimony and evidence presented established that a 7-foot high hedgerow begins at the front of the property and runs along the side property line along

Lynch Road to the rear of the property, then runs across the rear property line along the alleyway. In addition, there is a chain link fence which runs along the side property line from the front of the property to the rear. The stockade fence begins at the rear corner of the property and extends approximately 30 feet across the rear of the property along the alleyway. The Petitioners testified that the fence and hedgerow have existed on the property for the past 23 years without prior complaint. They argued that there have been no traffic accidents as a result of this hedgerow/fence and that the variance is necessary by virtue of this property being a corner lot with an alleyway in the rear.

Mr. Louis Romeo, Jr., President of the West Inverness Community Association, appeared and offered testimony in opposition to the Petitioners' request. Mr. Romeo testified that the West Inverness Community Association is a newly formed organization which came into existence last year. He stated that the Association has been working diligently to clean up the West Inverness community and to make the community a safer place to live. Mr. Romeo testified that he is also active in COPP, where the community polices itself and residents drive through the community after hours in an attempt to thwart crime. Testimony indicated that there are several gangs throughout the community. On behalf of the Association, Mr. Romeo stated that the community is concerned about the impact the subject hedgerow and fence may have on the personal safety of community members. He testified that an individual walking down the sidewalk along Lynch Road could be accosted or mugged by someone lurking around the corner of this hedgerow. His Association has been working with other residents in the community who reside on corner lots at intersecting streets and alleyways who have agreed to cut back their hedges at least 8 feet from any corner

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in both directions. This will allow greater visibility to pedestrians as well as enhance traffic safety. Mr. Romeo testified that several other citizens have voluntarily cut their hedges back; however, the Neukams deemed it in their best interests to file for a variance.

A review of the requirements of Section 102.5 of the B.C.Z.R. reveals that strict adherence of same would require that this property owner maintain a hedgerow height of no greater than 3 feet a minimum distance of 15 feet from the intersection of Lynch Road and the alleyway behind their property. This requirement provides motorists the ability to see over the hedges as they exit the alley onto Lynch Road. However, traffic safety was not so much the concern of the Community Association as was the personal safety of area residents. On behalf of the Association, Mr. Romeo requested that the Petitioners cut back their hedgerow a distance of only 8 feet in either direction from the intersection of Lynch Road and the alleyway and not the full 15 feet as required by the B.C.Z.R.

As noted above, this property is located within the Chesapeake Bay Critical Areas near Bear Creek, and as such, is subject to compliance with Critical Areas legislation. By comments dated October 27, 1993, the Department of Environmental Protection and Resource Management (DEPRM) advised this office that inasmuch as the relief requested is not for a development activity, compliance with Critical Areas legislation is inapplicable. Therefore, the relief requested shall only be judged against the requirements of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 26 (1974).

After due consideration of the testimony and evidence presented, it appears that a modified relief should be granted. I find the request of the West Inverness Community Association to be reasonable and agree that the property owners should cut back their hedgerow a distance of at least 8 feet in either direction from the rear corner of their property at the intersection of Lynch Road and the alleyway. In addition, the stockade fence to the rear of their property along the alleyway should be reduced to the permitted height of 3 feet for a distance of 8 feet from the rear corner of the property. Further, in the opinion of this Deputy Zoning Commissioner, the hedges and vines along this 8-foot distance should be cut back to a height of 3 feet and I shall so order. The chain link fence that exists on this property shall be permitted to remain.

It should be noted that a variance is still necessary in that Section 102.5 of the B.C.Z.R. requires that no planting, fence, wall, building or other obstruction be permitted to be taller than 3 feet within a distance of 15 feet from the corner of this lot. I shall therefore grant a modified variance and permit the Petitioners to maintain the hedgerow and fences as set forth above.

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In the opinion of this Deputy Zoning Commissioner, special circumstances or conditions exist that are peculiar to the land and structure which are the subject of this variance request and to require strict adherence to the regulations would result in practical difficulty and unreasonable hardship for the Petitioners. In addition, the Community Association agreed and requested that the hedgerow and stockade fence be cut back only 8 feet in lieu of the full 15 feet imposed by the B.C.Z.R. Furthermore, the granting of a modified variance will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of November, 1993 that a variance from Section 102.5 of the B.C.Z.R. to permit a hedgerow and fence to exist 8 feet from the intersection of a street and alleyway, in lieu of the required distance of 15 feet, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall cut back their hedgerow to a maximum height of 3 feet for a distance of at least 8 feet in either direction from the rear corner of the property along Lynch Road and the alleyway. The Petitioners shall maintain the entire hedgerow in a neat and orderly condition.
- 3) The stockade fence located to the rear of the property along the alleyway shall be reduced to a height of 3 feet for a distance of 8 feet from the

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rear corner of the property along the rear property line. The chain link fence along the side property line shall be permitted to remain.

- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence and hedgerow height of 6 feet in lieu of the maximum permitted 3 feet within 15 feet of the intersection of a street and alley, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby DENIED, inasmuch as a modified relief has been granted.

THS:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 18, 1993

(410) 887-4386

Mr. & Mrs. Joseph M. Neukam
2001 Codd Avenue
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
88/Corner Codd Avenue and Lynch Road
(2001 Codd Avenue)
12th Election District - 7th Councilmanic District
Joseph M. Neukam, et ux - Petitioners
Case No. 94-133-A

Dear Mr. & Mrs. Neukam:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THS:bjs

cc: Mr. Louis P. Romeo, Jr.
1985 Haselmore Road, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File

CRITICAL Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 2001 Codd Avenue
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 102.5 of the B.C.Z.R. to permit a fence and hedgerow height of 6 feet in lieu of the maximum permitted 3 feet within 15 feet of the intersection of a street and alley.

102.5 BCZR to permit a 6 ft. high fence and hedge in lieu of the required 3 ft. high within 15 ft. of the intersection of a street and alley.

of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):
WE HAVE LIVED IN THIS HOUSE FOR 29 YEARS. THE HEDGES HAVE BEEN IN PLACE SINCE 1970 (23 YEARS). THERE HAS NEVER BEEN AN ACCIDENT OR ANYONE HIT BY A CAR AT THIS LOCATION. THE HEDGES MAKE DRIVERS OF VEHICLES SLOW DOWN AS THEY APPROACH THE ALLEY. THEY ALSO ACT AS A BUFFER TO NOISE AND PEDESTRIAN TRAFFIC AND PREVENT TRASH FROM BEING THROWN INTO OUR YARD WHEN APPROXIMATING OUR PROPERTY IS TO BE PROTECTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS. THANK YOU VERY MUCH.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease	Legal Owner(s)
Agent or Next of Kin	<i>JOSEPH MICHAEL NEUKAM</i>
Signature	<i>Joseph Michael Neukam</i>
Address	<i>AUDREY E. NEUKAM</i>
City	<i>2001 Codd Ave.</i>
State	<i>MD</i>
Zip	<i>21222</i>
Phone	<i>410-977-1374</i>
Agent or Next of Kin	<i>CHAMEL A. NEUKAM</i>
Signature	<i>CHAMEL A. NEUKAM</i>
Address	<i>2001 Codd Ave.</i>
City	<i>MD</i>
State	<i>21222</i>
Zip	<i>410-977-1374</i>
Phone	<i>410-977-1374</i>
Agent or Next of Kin	<i>THOMAS NEUKAM JR.</i>
Signature	<i>THOMAS NEUKAM JR.</i>
Address	<i>2001 Codd Ave.</i>
City	<i>MD</i>
State	<i>21222</i>
Zip	<i>410-977-1374</i>
Phone	<i>410-977-1374</i>
Agent or Next of Kin	<i>THOMAS NEUKAM JR.</i>
Signature	<i>THOMAS NEUKAM JR.</i>
Address	<i>2001 Codd Ave.</i>
City	<i>MD</i>
State	<i>21222</i>
Zip	<i>410-977-1374</i>
Phone	<i>410-977-1374</i>

EXAMPLE 3 - Zoning Description

94-133-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 2001 Codd Avenue
(address)
Election District 12 Councilmanic District 7

Beginning at a point on the Southeast side of Codd Avenue
(north, south, east or west)

which is 60' (number of feet of right-of-way width)

wide at a distance of 30' South West of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street LYNN ROAD
(name of street)

which is 60' wide. *Being Lot # 1
(number of feet of right-of-way width)

Block D, Section # 6 in the subdivision of
CASTLE

(name of subdivision) as recorded in Baltimore County Plat

Book # WTL 36, Folio # 101, containing

4,378 sq. ft. (square feet and acres)

ITEM # 130

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber , Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 12th Date of Posting 10/12/93

Posted for Neukam

Petitioner Joseph & Audrey Neukam

Location of property 2001 Codd Ave. SE. Lynn Rd. at Codd Ave.

Location of Sign 1st & 2nd Ave. on property being zoned

Remarks Neukam

Posted by Neukam Date of return 10/15/93

Number of Signs 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/17 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/17 1993

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 8-001-0000
Number: 130
R.T.

9-21-93 **94-133-A**
NEUKAM
2001 CODD AVE
DUNDALK, MD. 21222

CRITICAL

010 - VARIANCE - \$ 50.00
020 - SIGN - \$ 35.00
TOTAL - \$ 85.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 130

Petitioner: Audrey and Joseph Neukam

Location: 2001 Codd Avenue Dundalk, Md. 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOSEPH NEUKAM

ADDRESS: 2001 Codd Avenue

Dundalk, Md 21222

PHONE NUMBER: 304-9775

AJ:ggg

(Revised 04/09/93)

TO: FOWBURN PUBLISHING COMPANY
October 7, 1993 Issue - Jeffersonian

Please forward billing to:

Joseph Neukam
2001 Codd Avenue
Dundalk, Maryland 21222
410-284-9775

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-133-A Item 130)

2001 Codd Avenue

SE. Codd Avenue and Lynn Road

12th Election District - 7th Councilmanic

Petitioner(s): Joseph Michael Neukam and Audrey E. Neukam

HEARING: THURSDAY, NOVEMBER 4, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a 6 ft. high fence and hedge in lieu of the required 3 ft. high within 15 ft. of the intersection of a street and alley.

LAURENCE S. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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Arnold Jablon
Director

cc: Joseph and Audrey Neukam
Los Rios

NOTES: (1) HEARING DATE & TIME MUST BE ADHERED TO BY 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 22, 1993

Mr. and Mrs. Joseph Michael Neukam
2001 Codd Avenue
Dundalk, Maryland 21222

RE: Case No. 94-133-A, Item No. 130
Petitioner: Joseph Michael Neukam, et ux
Petition for Variance

Dear Mr. and Mrs. Neukam:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 21, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby reviewed zoning petitions will first be reviewed by the Zoning Commission and then by the Zoning Administration and Development Management. This system will ensure that all aspects of the zoning regulations and petition filing requirements are fully understood with this office without the need for a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 8, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
for October 12, 1993
Item No. 130

The Development Plan Review Section has reviewed the subject zoning item. The proposed hedge and fence should not interfere with the line of sight for both the alley and Codd Avenue.

RWB:s



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: *BALTIMORE CO.*
Item No.: *4 130 (RT)*

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 4, 1993

FROM: Pat Kaller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 130, 133, 134, 135, 136, 137, 139, 140 and 141.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol Kern*

PK/JL:lw

ZAC.133/PZONE/ZAC1

**Baltimore County Government
Department of Permits and Licenses**



111 West Chesapeake Avenue
Towson, MD 21204

October 8, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

Zoning Agenda: Meeting of October 4, 1993

Joseph Michael Neukam and Audrey E. Neukam
#2001 Codd Avenue
130 (RT)

Paul Goodman
#1002 Reisterstown Road
+131 (RT)

Colonial Village Company
#7002 Reisterstown Road - Colonial Village Shopping Ctr.
+132 (JRA)

Iron City Sash and Door
#2202 Halethorpe Farm Road
+133 (JLL)

David Wayne Johnson and Tera Lee Johnson
#11 Horse Chestnut Court
*8 134 (RT)

Edmund J. Cardoni and Teena L. Cardoni
#232 Antietam Road
+135 (JCM)

Charles D. Lowe and Sharon A. Lowe
#1900 Dineen Drive
136 (JLL)

Elizabeth Hendrickson, Personal Representative for the Estate of
Rita S. Holland
#13224 Fork Road
137 (JJS)

The Pines at Deep Run Limited Partnership
#5,6,7, & 8 Deep Run Court
+ 138 (MJK)

Robin Barbagallo and Francis S. Barbagallo, Jr.
#1391 Syngreen Lane

Printed with Soybean Ink
on Recycled Paper

Jerome Lebowitz and Lettye I. Lebowitz
43510 Gardenvue Road
+140 (JLL)

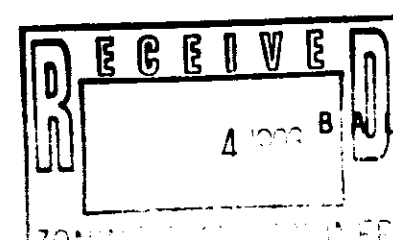
A. LeRoy Metz and Jean L. Metz
#9106 Hines Road
+141 (JRA)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *Robert P. Saurwald* 11.11
Lieutenant Robert P. Saurwald
Fire Prevention Bureau
(887-4880)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: October 27, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 130
Neukam Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2001 Codd Avenue. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Joseph Neukam

APPLICANT PROPOSAL

The applicant has requested a variance from section 102.5 of the Baltimore County Zoning Regulations to permit "a six foot high fence and hedge in lieu of the required three foot high within fifteen feet of the intersection of a street and alley".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01>.

RECEIVED
NOV 2 1993

ZADM

Mr. Arnold E. Jablon
October 27, 1993
Page 2

DEFINITIONS

"Development activities means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures" <COMAR 14.15.01.01>.

Finding: This petition request, for a fence, is not a development activity as defined above. Therefore this petition does not require a Critical Area Findings.

CONCLUSION

This Zoning Variance Petition does not require a Critical Area Findings and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:NSP:tmm

cc: Mr. and Mrs. Neukam

NEUKAM/DEPRM/MQBCA



Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3301

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

September 29, 1993

FROM: James H. Thompson -LJM
Zoning Enforcement Coordinator

RE: Item No. 130
Petitioner: AUDREY & JOSEPH NEUKAM

VIOLATION CASE # C-94-93

LOCATION OF VIOLATION 2001 CODD AVENUE

DEFENDANT MR. & MRS. NEUKAM

ADDRESS 2001 CODD AVENUE

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

LOW ROWBO PO BOX 35204
BALTO, MD. 21222-7204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.



Zoning Enforcement

* * * * * CORRECTION NOTICE * * * * *

CASE NUMBER C-93-93 ELECTION DISTRICT:12

LOCATION: 2001 CODD AVENUE
OWNER: AUDREY & JOSEPH NEUKAM

DEAR PROPERTY OWNERS:

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED

LOCATION REVEALED THAT THERE IS AN APPARENT VIOLATION AND THE FOLLOWING

CORRECTION IS REQUIRED:

CEASE THE USE OF THE PROPERTY FOR:

TRIM OR REMOVE ALL IMPROPERLY PLACED HEDGES OR FILE FOR A VARIANCE.

(X) HEDGES WHICH ARE LOCATED WITHIN THE 15 FOOT TRIANGULAR AREA BOUNDED ON TWO SIDES BY AN ALLEY AND A STREET MUST BE NO TALLER THAN 16 INCHES IN HEIGHT.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CONTACT THIS OFFICE AT 887-5681. FAILURE TO COMPLY BY SEPTEMBER 12, 1993 WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

INSPECTOR: WASILEWSKI
111 W. Chesapeake Ave.
Towson, Maryland 21204

August 6, 1993

ITEM # 130

WEST INVERNESS COMMUNITY ASSOCIATION
P.O. BOX 45204
BALTIMORE, MD 21222-7204

November 3, 1993

RE: 2001 CODD AVENUE

TO WHOM IT MAY CONCERN:

A visibility problem exists at the corner of the alley behind Codd Avenue off of Lynch Road. Bushes and shrubs have been allowed to grow wild at this site (to a height of over six foot) and have not been trimmed or maintained for quite some time. The bushes have also grown out into the alley for several feet from the property line.

This creates not only a problem for traffic, but could also provide a hiding place for anyone wishing to surprise pedestrians walking along Lynch Road.

For the above stated reasons, the West Inverness Community Association opposes the granting of any variance allowing the property owners to continue maintaining the bushes in this manner.

The following officers and board members are currently serving this association for the betterment of our community.

VICE PRESIDENT: Barbara J. Bickel

SECRETARY/TREASURER: William J. Kunkel

BOARD MEMBERS: William J. Kunkel, William J. Kunkel, William J. Kunkel

Thank you,
1993 my commission expires July 94

Sincerely yours,
The West Inverness Community Association

"WORKING TODAY FOR A BETTER COMMUNITY TOMORROW"

PLEASE PRINT CLEARLY

NAME: Louis P. Roney Jr. President WICA ADDRESS: 1959 Hawthorne Rd 21229

PLEASE PRINT CLEARLY

NAME: Audrey Neukam ADDRESS: 2001 Codd Ave
Joseph M. Neukam 2001 Codd Avenue

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2001 Codd Ave

Subdivision name: CASTLE

Plat book: 26, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 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498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 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